

A-6465
Variance Request

Construct a two story addition, the proposed soffit and gutter of which would encroach a maximum of three feet, ten inches (3'- 10") into the east (side) yard setback.

Ms. Lindsay Conway and
Mr. Patrick Conway
5 East Melrose Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
DECEMBER 9, 2013 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 12/5/2013
SUBJECT: HEARING OF APPEAL CASE NO. A-6465 VARIANCE REQUEST
MS. LINDSAY & MR. PATRICK CONWAY, 5 EAST MELROSE STREET
CONSTRUCT A TWO-STORY ADDITION, THE PROPOSED SOFFIT AND GUTTER OF WHICH WOULD
ENCROACH A MAXIMUM OF THREE FEET, TEN INCHES (3'- 10") INTO THE EAST (SIDE) YARD
SETBACK.

CASE SYNOPSIS: The Applicants request a variance to construct a two-story addition to the rear of the existing house, the soffit and gutter of which would encroach into the east (side) yard setback. Note that the wall of the addition would not encroach into the setback; the request is only for the only the soffit and gutter. The proposed soffit and gutter would align with the existing soffit and gutter of the main house, which are original to the house. The proposed work does not increase the existing encroachment.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-17 (g) states:

No part of any building, structure or play equipment shall be erected or maintained within seven (7) feet of the side or rear lot lines, nor within ten (10) feet of the nearest adjacent dwelling.

APPLICABLE COVENANTS:

"[No] part of any house or any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of the lot on which it is to stand, nor within ten (10) feet of the nearest adjacent house...".

FACTUAL AND BACKGROUND INFORMATION:

The house is on the north side of East Melrose Street and is located in the Chevy Chase Village Historic District.

The work is being undertaken as part of an addition to the rear of the existing house.



Figure 1: View of 5 East Melrose Street. The proposed soffit and gutter would align with the existing and would encroach into the east (side) yard setback.



Figure 2: View from the rear yard.

The existing soffit and gutter are original to the house and, according to Appendix A submitted by the Applicants, measures four feet, six and one-half inches (4'-6 1/2") in depth, including a six (6) inch wide gutter.

The proposed soffit and gutter, aligning with the existing, would measure five feet, six and one-half inches (5'-6 ½") in depth (because the east wall of the addition is set back twelve (12) inches from the existing).

The walls of the existing house and of the proposed addition are compliant with the Village setback requirements; the encroachment occurs only at the soffit and gutter.

The Applicants have had a preliminary design review with the Historic Preservation Commission (HPC). Their staff has indicated that HPC would not require the soffit and gutter to be continuous as a condition of approval for the design of the rear addition.

There is a covenant applicable to the property that stipulates a five (5) foot side yard setback. In previous cases, the Board has found that when a structure (such as the soffit and/or gutter that is the original to the house) encroaches forward of a setback then the covenant authors did not intend those features to be considered structures within the meaning of the covenants (however they are still subject to the Village setback requirements).

The Board has previously determined (see relevant precedents below) that under certain circumstances gutters may be excluded from the definition of "structures" for the purposes of the covenants (but are still subject to the Village setback requirements).

No tree removals have been requested related to the proposed work; a tree protection plan would be required for the project.

To date no letters have been received from abutting neighbors regarding the request.

Applicable Fees: Building Permit Application: TBD; Variance Application Fee: \$300.

RELEVANT PRECEDENTS:

In July of 2013, Mr. and Mrs. William John Bray, III of 104 Oxford Street were granted a variance to **construct** a second floor above a first floor, the soffit and gutter of which would encroach into the side yard setback. (As in the current application, the walls of the property did not encroach into the setback and the proposed soffit and gutter would not encroach any farther onto the setback than the original. **This case was not a covenant setback issue and the property is not located in the CCV Historic District.**) In January of 2013, Mr. & Mrs. Edward Rubenstein were granted permission to **reconfigure** the roof and soffit over an existing one-story garage. (**This case was not a covenant setback issue and the property is not located in the CCV Historic District.**) In April of 2012, Mr. & Mrs. John Campanella of 22 Hesketh Street were granted permission to **construct** a second floor over an existing one-story sunroom, the soffit of which would encroach a maximum of six and one-half (6-½) inches into the seven (7) foot side (east) yard setback. (**This case was not a covenant setback issue. The property is located in the CCV Historic District.**)

Also in April 2012, Dr. & Mrs. Charles Bahn of 118 Hesketh Street were granted permission to **reconfigure** the roof over an existing garage. (This case was a covenant setback issue, however only the proposed gutter encroached into the covenant setback. The Board determined that the gutter, necessary to manage stormwater runoff, was not to be considered a structure for the purposes of the covenants. The property is not located in the CCV Historic District.) In May of 2011 Ms. Lucia Grenne and Mr. Norman Piccioni of 37 Quincy Street were granted a variance to **construct** a second floor over an existing first floor, the eave and gutter of which would encroach eighteen and one-half inches (18- ½") into the west seven (7) foot side yard setback. (This case was not a covenant setback issue. The property is located in the CCV Historic District.) In January of 2009 Mr. Thomas Schaufelberger and Ms. Joanne Kyros of 135 Grafton Street were granted a variance to **modify** the roof line of a previously approved addition, the gutter of which would encroach an additional six (6) inches into the west seven (7) foot side yard setback for a total encroachment of two feet, six inches. (This case was not a covenant setback issue and the property is not located in the CCV Historic District.) In November of 2009 Mr. Bailey Adams of 5625 Grove Street was granted a variance to **construct** a 2-story rear addition, the soffit and gutter of which would encroach eighteen (18) inches into the southwest seven (7) foot side yard setback. (This case was not a covenant setback issue and the property is not located in the CCV Historic District.) In April of 2000 Mr. John Gorman and Ms. Susan Shmedes of 45 West Lenox Street were granted a variance to **construct** an addition to the rear of their house which would encroach two (2) feet into the west seven (7) foot side yard setback. (This case was not a covenant setback issue. The property is located in the CCV Historic District.) On March 9, 1998, Amy Ross and Charles Sherman of 4007 Oliver Street were granted a variance to enclose an existing screened porch and **reconfigure** the porch roof from a flat roof to a gable roof. In a rare case of a variance request for an encroachment into the side yard setback that did not entail a covenant setback issue being **denied**, on March 10, 1997, Oliver Street Venture LLC was denied a variance to **maintain** a bay window overhang that was six feet, five inches (6'-5") from the west (side) property line at 4021 Oliver Street. The bay had been modified from the approved drawings without approval.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22 [fences], 8-26 [driveways] or Chapter 25 [Public Rights-of-Way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in Case A-6465, to construct a two-story addition, the soffit and gutter of which would encroach _____ into the seven (7) foot east (side) yard setback, based on the findings that ...

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 9th day of December, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6465
MS. LINDSAY CONWAY &
MR. PATRICK CONWAY
5 EAST MELROSE
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to construct a two story addition, the proposed soffit and gutter of which would encroach a maximum of three feet, ten inches (3' - 10") into the east (side) yard setback.

The Chevy Chase Village Code § 8-17 (g) states:

No part of any building, structure or play equipment shall be erected or maintained within seven (7) feet of the side or rear lot lines, nor within ten (10) feet of the nearest adjacent dwelling.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.


This notice was emailed (where possible) and mailed to abutting and confronting property owners on the 25th day of November, 2013.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

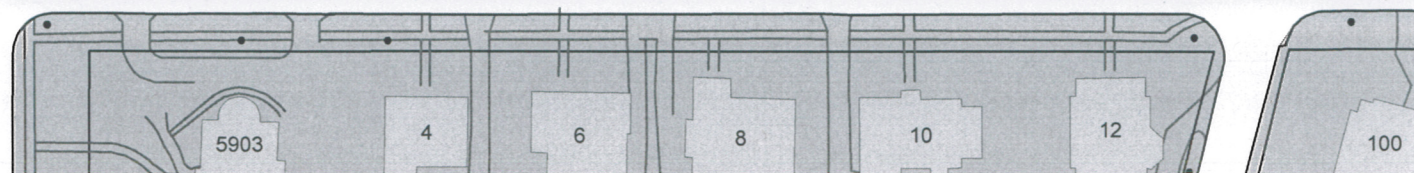
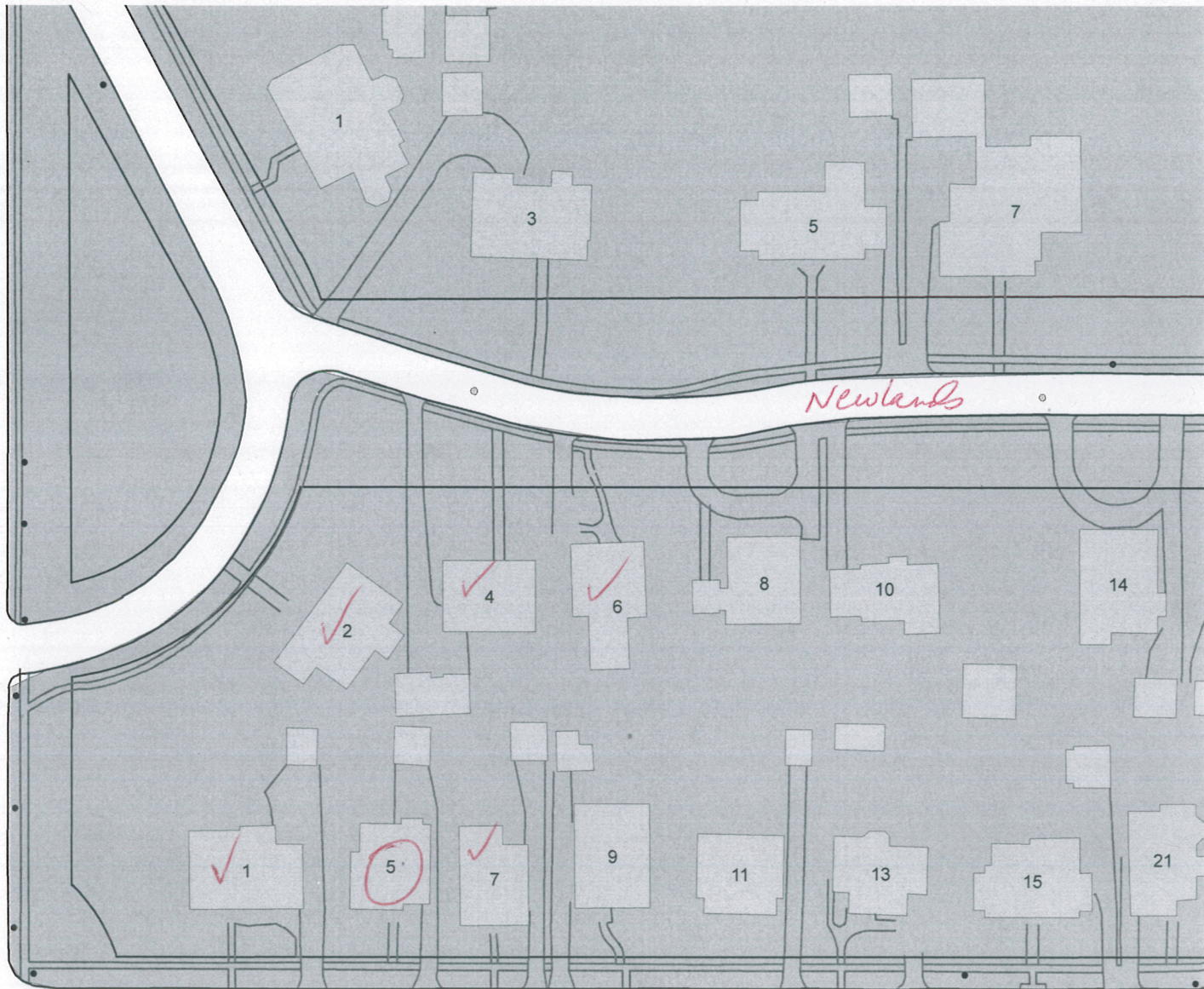
MAILING LIST FOR APPEAL A-6465

**MS. LISA AND MR. PATRICK CONWAY
5 EAST MELROSE STREET
CHEVY CHASE, MD 20815**

| Adjoining and confronting property owners | |
|--|--|
| Mr. & Mrs. Jharry Breed Or Current Resident 2 Newlands Street Chevy Chase, MD 20815 | Ms. Harriet F. C. Klosson Or Current Resident 4 Newlands Street Chevy Chase, MD 20815 |
| Mr. & Mrs. John C. Murphy Or Current Resident 6 Newlands Street Chevy Chase, MD 20815 | Mr. & Mrs. Norman Asher Current Resident 1 East Melrose Street Chevy Chase, MD 20815 |
| Mr. & Mrs. Joseph Coffey Or Current Resident 7 East Melrose Street Chevy Chase, MD 20815 | Mr. & Mrs. Timothy Overcash Or Current Resident 2 East Melrose Street Chevy Chase, MD 20815 |
| Mr. & Mrs. William W. Scott Or Current Resident 6 East Melrose Street Chevy Chase, MD 20815 | |


I hereby certify that a public notice was emailed (where possible) and mailed to the
aforementioned property owners on the 25th day of November, 2013.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**





November 25, 2013

Mr. & Mrs. Patrick Conway
3204 Stephenson Place NW
Washington DC 20015

Dear Mr. & Mrs. Conway:

Please note that your request for a variance to construct an addition, the soffit and gutter of which would encroach into the seven (7) foot east (side) yard setback at your property is scheduled before the Board of Managers on Monday, December 9, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

Should the Board approve your request for a variance to construct the proposed work, all applicable permits from the Village and Montgomery County must be obtained prior to commencing the work. For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

CHEVY CHASE VILLAGE

5906 Connecticut Avenue
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov
www.chevychasevillagedmd.gov

BOARD OF MANAGERS

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Chair

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ROBERT C. GOODWIN, JR.
Assistant Treasurer

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Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK

LEGAL COUNSEL
SUELLEN M. FERGUSON

Chevy Chase Village
Building Permit Application

Permit No: 6465

| | |
|--|--|
| Property Address: 5 EAST MELROSE STREET CHEVY CHASE, MD. 20815 | |
| Resident Name: PATRICK CONWAY Daytime telephone: 202) 249-8033 Cell phone: 301) 706-5146 After-hours telephone: E-mail: CONWAY 85 @ YAHOO.COM | |
| Project Description: LIMITED ALTERATION, REPAIR, AND ADDITION TO AN EXISTING, TWO AND A HALF + CELLAR WOOD FRAMED HOUSE. | |
| <input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure. | |
| Primary Contact for Project: <input checked="" type="checkbox"/> Resident <input type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required): | |
| Information for Primary Contact for Project (if different from property owner): Name: Work telephone: After-hours telephone: Cell phone: E-mail: | |
| Will the residence be occupied during the construction project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: PATRICK CONWAY Address: 3204 Stephenson Place NW Wash DC 20015 Work telephone: 202-249-8033 After-hours telephone: Cell phone: 301-706-5146 E-mail: CONWAY 85 @ Yahoo.com | |
| Parking Compliance: Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☒ This application form, signed by resident.
- ☒ Boundary Survey
- ☒ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☒ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature:

Pat M Comy

Date:

11/18/13

To be completed by Village staff:

Is this property within the historic district?

Yes ☒

No ☐

Staff Initials:

CB

Date application filed with Village: 11/18/13

Date permit issued: _____

Expiration date: _____

| | |
|--|--|
| For Use By Village Manager | Application approved with the following conditions: |
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| | |
| For Use By Village Manager | Application denied for the following reasons: |
| DENIED NOV 18 2013 Chevy Chase Village Manager | <i>Change EIR</i> The 50' offset and gutter of the proposed addition encroach into the side yard setback. |
| | |
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|---|--|
| Filing Fees (due when application submitted) | Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 |
| Permit Application Fee: \$ <u>TBD</u> (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way) | |
| Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input type="checkbox"/> Not required for this project. | |
| TOTAL Fees: | Date: Staff Signature: |
| Damage Deposit/Performance Bond (due when permit is issued) | Checks Payable to: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 |
| <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager | Date: Village Manager Signature: |
| Cost of damage to R-O-W: (calculated at close-out) Amount of refund: | Date: Village Manager Signature: |

Chevy Chase Village Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

| | |
|---|--------------------|
| Subject Property: 5 EAST MELROSE STREET, CHEVY CHASE, MD. 20815 | |
| Describe the Proposed Project: LIMITED ALTERATION, REPAIR, AND ADDITION TO AN EXISTING TWO AND A HALF + CELLAR WOOD FRAMED HOUSE. | |
| Applicant Name(s) (List all property owners): PATRICK & LINDSAY CONWAY | |
| Daytime telephone: 202-249-8033 | Cell: 301-706-5146 |
| E-mail: CONWAY85@Yahoo.com | |
| Address (if different from property address): 3204 Stephenson Place NW Wash DC 20015 | |
| For Village staff use: Date this form received: 11/18/13 Variance No: A-6465 | |

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☐ Completed Chevy Chase Village Application for a Variance (this form)
- ☐ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Patrick M Conway
Applicant's Signature: Lindsay R Conway

Date: 11/18/13
Date: 11-18-2013

Describe the basis for the variance request (attach additional pages as needed).

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

** Please see attached*

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

** Please see attached*

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

** Please see attached*

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

| | |
|---|--|
| Variance Filing Fee <i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: <i>\$300.00</i> | Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 Date Paid: <i>11/14/13</i> Staff Signature: <i>[Signature]</i> |
| | Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager |

5 East Melrose St Variance Request

Describe the basis for the variance request:

The existing building is currently non-compliant with regards to the Chevy Chase Village five foot (5') side yard setback covenant. The existing hipped roof soffit is three foot, eight inches (3' 8") from the property line. We would like to build a rear addition that would extend the existing roofline and maintain the three foot, eight inch (3' 8") setback. We are requesting a variance from the five foot (5') side yard setback covenant which includes roof soffits and gutters and the seven foot (7') side yard setback with regards to the extended roof soffit and gutter only. The existing exterior wall at seven foot, eight and a half inches (7' 8.5") from the property line does not currently encroach into the seven foot (7') side yard setback. We are in the historic district and based on input from HPC, we are actually stepping the walls back an additional twelve inches (12") from the property line (*see appendix 2*).

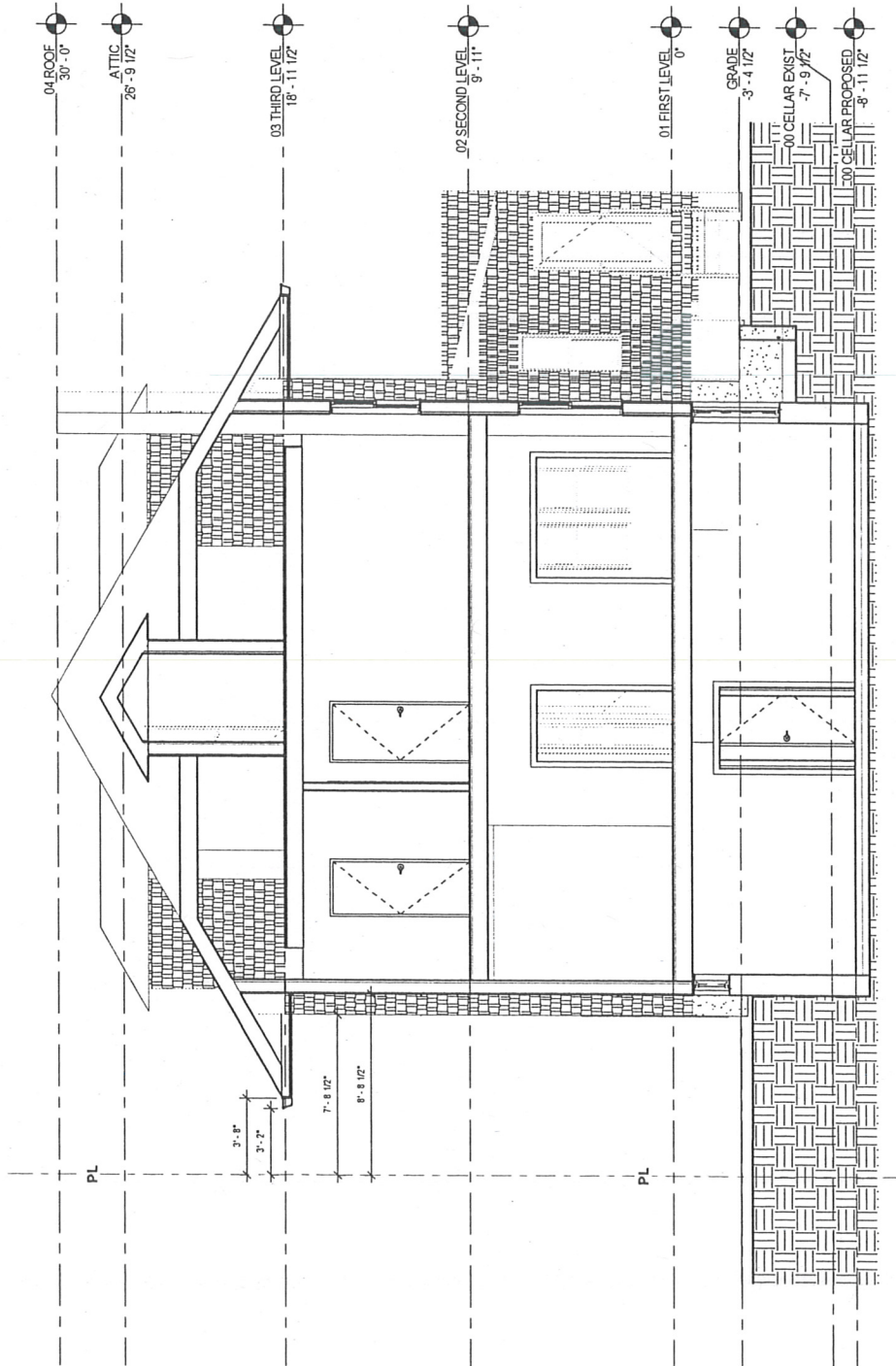
Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition described above:

Our architects have confirmed that insetting the roof will lower the ceiling in the top floor as doing so pinches the peak downward, making that space unusable. The alternative would be to *lift and shorten* the roof of the addition to the point at which the extension would shorten one foot four inches (1' 4") but that would give the rear profile the appearance that the 2nd floor is taller than the 1st floor (*see appendix 2*). HPC has requested twelve inch (12") insets on both sides of the addition, as opposed to our pre-designed four inch (4") insets, as a tradeoff to allow the existing roofline to continue without the need for a hyphen or drop in height. My hope is that because we are setting both sides of the building in twelve inches (12") or a full eight feet eight and a half inches (8' 8.5") from lot line, it will give this request great weight.

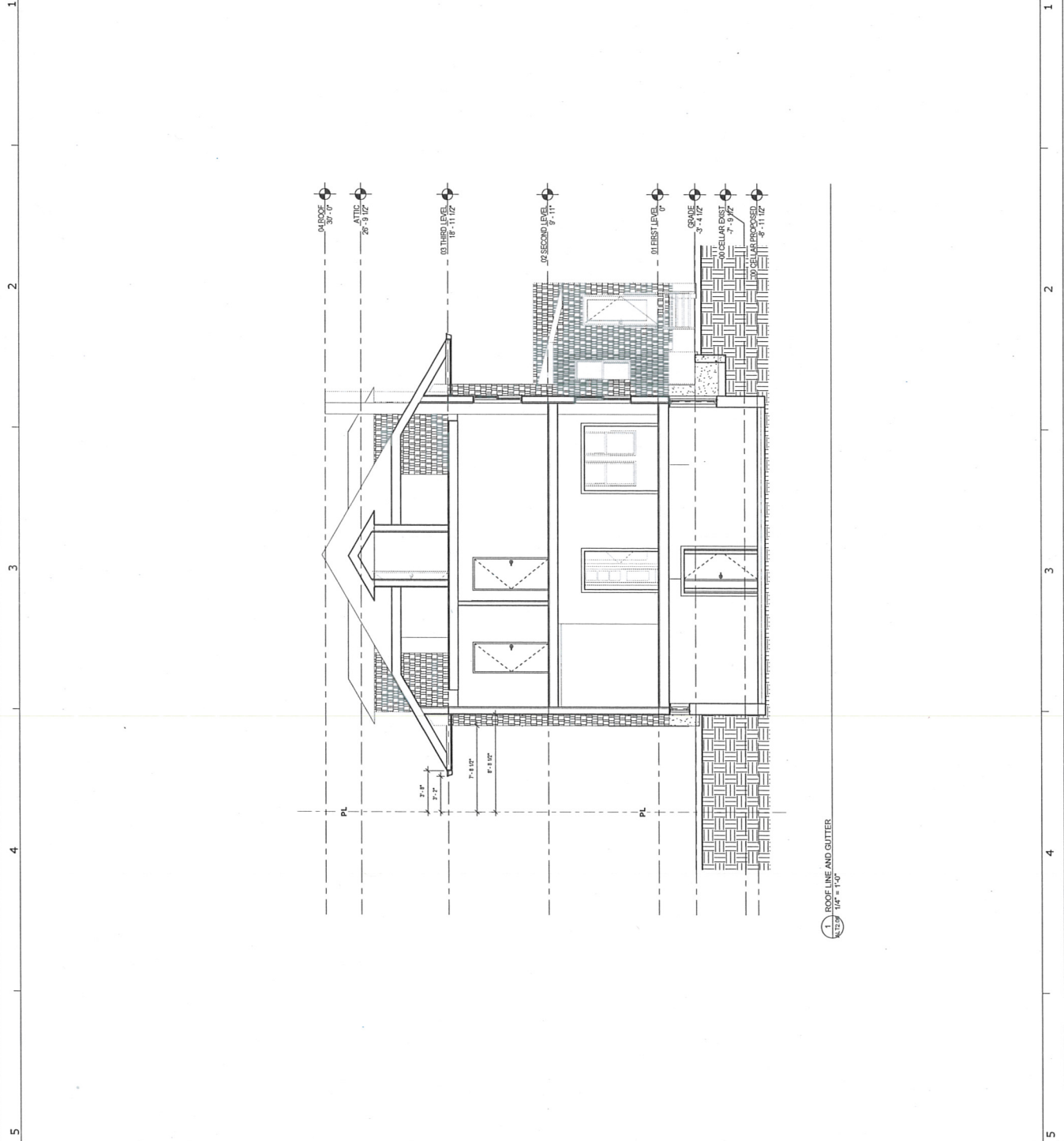
Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the CCV code:

We strongly feel that extending the existing roofline will help maintain the character of the building. The addition will certainly not create unsafe conditions and due to the twelve inch (12") inset of the building face parallel to the property line tradeoff, it will actually improve vistas and air circulation. We do not believe the neighbor will notice the roof extension as it will consist of just a longer soffit but we do think they will appreciate the twelve inch (12") insets and the increased view of green space.

Appendix 1 (Enlarged)



Appendix 1



1 ROOF LINE AND GUTTER
1/4" = 1'-0"

Square 134 Architects
1410 Brainerd Avenue, Suite 200
Farmingdale, NY 11735
F (516) 338-0134 F (516) 338-0135

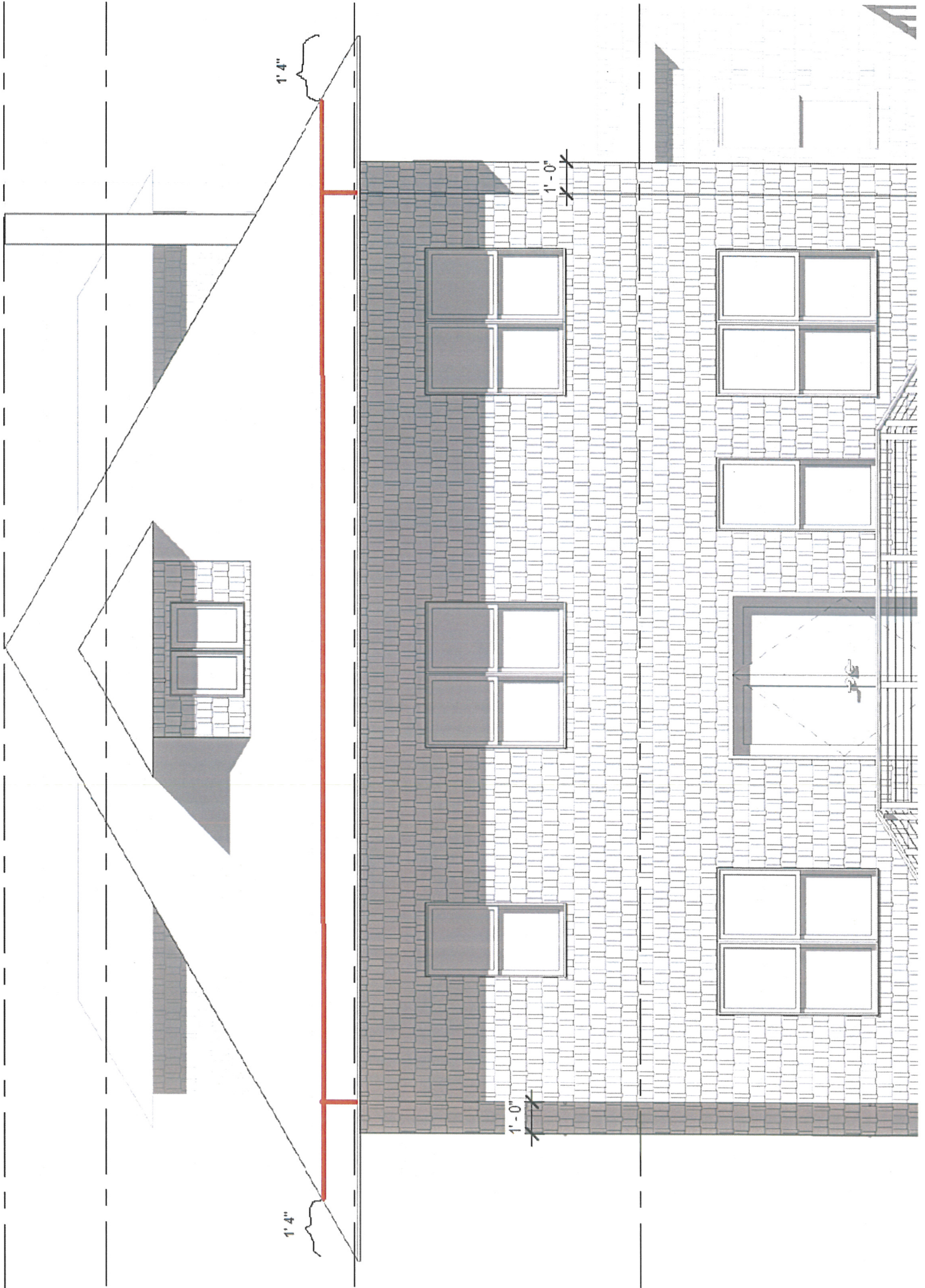
CONWAY RESIDENCE
5 East Main Street
Chevy Chase, MD, 20815

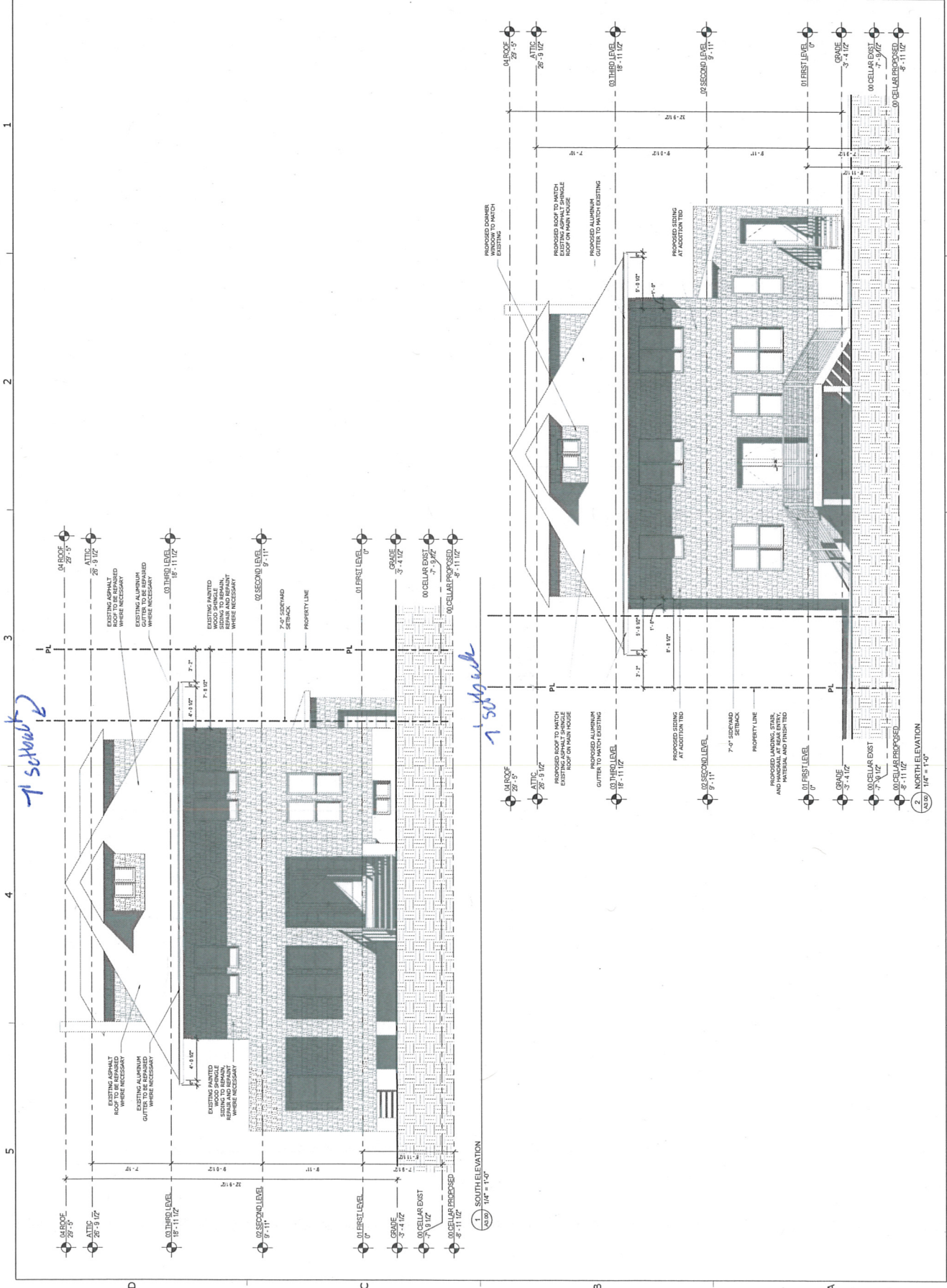
| REVISIONS |
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BUILDING SECTION
DRAWING TITLE

PROJECT NO.
13025
DRAWN BY:
SCALE:
1/4" = 1'-0"
DATE:
11/12/2013
DWG. NO.

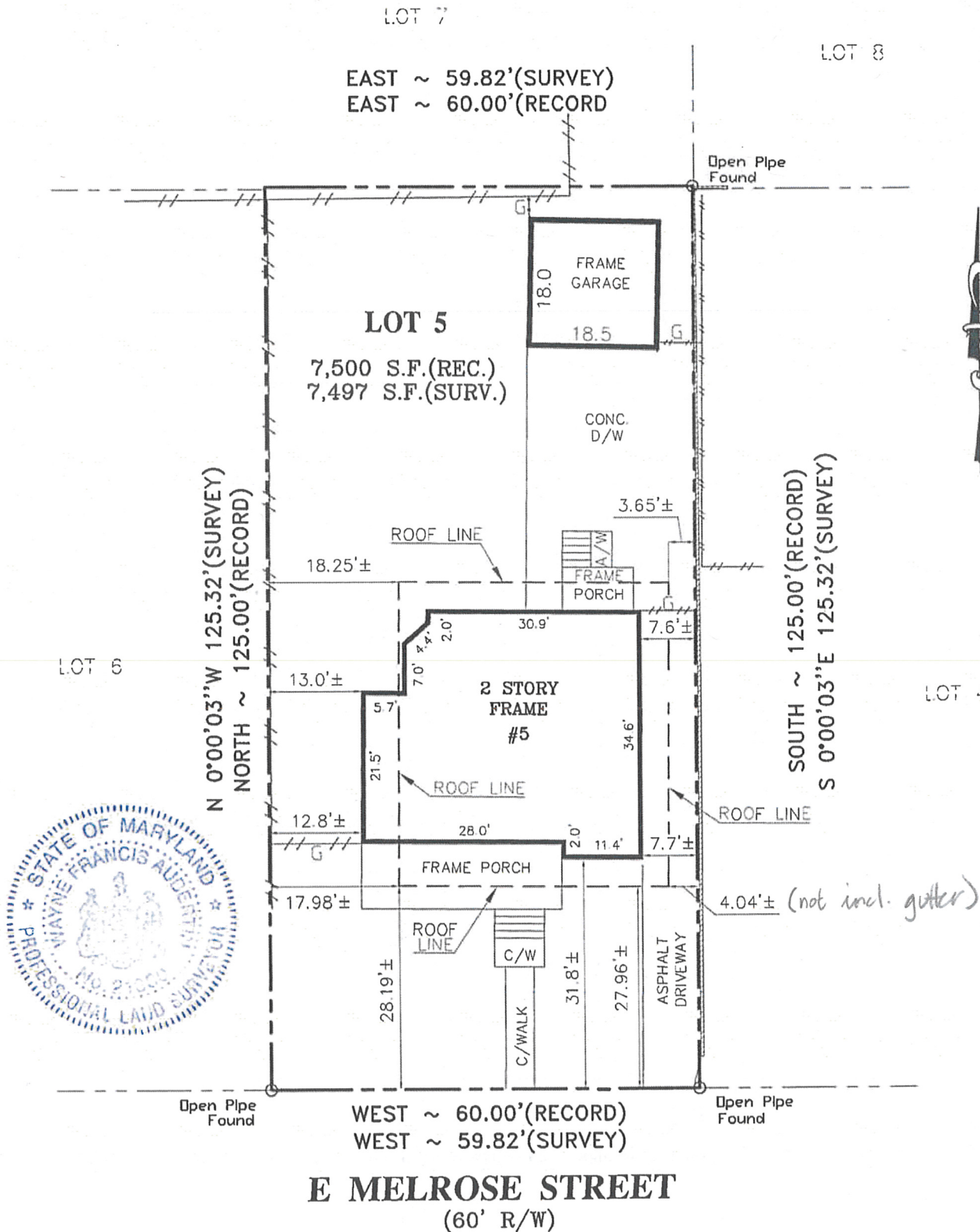
ALT2.06





GENERAL NOTES:

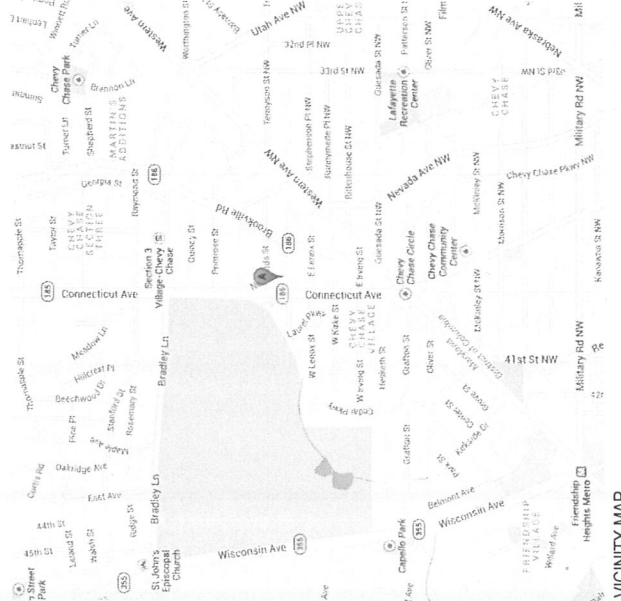
1. Property shown in Montgomery County Tax Assessment Map Book page HN-41.
2. All property corners have been recovered or set and verified per field survey performed: November 5, 2013.
3. Property is recorded among the land records of Montgomery County in Plat Book B, Plat No. 50 and described in Liber 17487 at Folio 681.
4. Current Owner of Record: Marguerite P. Foley and William E. Foley, Jr.
5. Premise Address: 5 E. Melrose Street Chevy Chase, MD 20818-4203
6. The information shown hereon has been prepared without benefit of a title report, and therefore may not reflect all easements or encumbrances which may affect subject property.



ALTERATION, REPAIR, AND ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE

5 EAST MELROSE STREET

CHEVY CHASE, MD. 20815



VICINITY MAP

BUILDING DATA

PROJECT: 5 East Melrose Street
ADDRESS: Chevy Chase, MD. 20815

SCOPE OF WORK:

This project involves the alteration, repair, and addition to an existing single family residence plus cellar single family residence.

APPLICABLE BUILDING CODES:

This project conforms to all applicable building codes and regulations of Montgomery County and the Village of Chevy Chase.

Building: International Residential Code - 2012

Electrical: NPA National Electrical Code - 2008

Energy: International Energy Conservation Code - 2012

Amendments: Montgomery County Executive Regulation No. 8-12

Zoning: Montgomery County Zoning Ordinance - Chapter 59

PROJECT TEAM:

OWNER: Patrick Conway
5 East Melrose Street
Chevy Chase, MD. 20815
CONTACT: Patrick Conway

ARCHITECT: Architects
1410 Q Street, NW
Washington, DC 20005
CONTACT: Ronald Schneck, Jr., AIA

STRUCTURAL ENGINEER: PNC Structural Engineers, LLC
515 M St., SE, Suite 106
Washington, DC 20003
CONTACT: Fadi Abouelkhalil, PE

MVP ENGINEERS: MVP Engineers, LLC
515 M St., SE, Suite 106
Washington, DC 20003
CONTACT: Khalid Khalifa, PE

GENERAL CONTRACTOR: PNC Construction, LLC
515 M St., SE, Suite 106
Washington, DC 20003
CONTACT: XXXXX



COVER SHEET

CONWAY RESIDENCE
5 East Melrose Street
Chevy Chase, MD. 20815

Square 134 Architects
1410 Q Street, NW
Washington, DC 20005
P: (202) 226-6124 F: (202) 315-2415

PROJECT NO.: 13025
DRAWN BY: [blank]
SCALE: 3/8" = 1'-0"
DATE: 11/12/2013
DWG. NO. [blank]

A0.00

618 liber
452 folio

may be requisite.

In Testimony Whereof, on the day and year first hereinbefore written, the said Edgemoor Investment Company, Incorporated, has caused these presents to be signed, in its corporate name by W. R. Tuckerman its President attested by G. G. Ridgely, its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint W. R. Tuckerman, its true and lawful Attorney in fact for it and in its name to acknowledge and deliver these presents as its act and deed.

Attest:

G. G. Ridgely

Secretary Edgemoor Investment
Company 1923 Mary-

land.

Edgemoor Investment Company, Incorporated

By W. R. Tuckerman

President.

(Internal Revenue \$.50)

District of Columbia, to wit:

I, Robert S. Bains, a Notary Public in and for the aforesaid, District, do hereby certify that on this 11th day of March, 1936, W. R. Tuckerman, who is personally well known to me as the person named as attorney in fact in the foregoing and annexed Deed, bearing date on the 11th day of March, A. D., 1936, to acknowledge the same, personally appeared before me in said District of Columbia, and as Attorney in fact as aforesaid, and by virtue of the authority vested in him by said Deed, acknowledged the same to be the act and deed of Edgemoor Investment Company, Incorporated, the grantor therein and delivered the same as such.

Given under my hand and seal, this 11th day of March, A. D.,
1936.

Robert S. Bains

Robert S. Bains

Notary Public, D. C.

Notary Public

District of

Columbia

EXAMINED

Mailed to

District Title Insurance Co.

Loyers Title Insurance Co.

Washington Title Insurance Co.

1413 Eye Street, N. W.

Washington, D. C.

5-8-36.

At the request of John Alden Reed and Emily C. Reed, the
following Deed was recorded March 18th, A. D., 1936, at 9:24
o'clock, A. M., to wit:-

This Deed, Made this third day of March, in the year one thousand
nine hundred and 36 by and between Equitable Life Insurance Company, a body corporate
under the laws of the District of Columbia, acting herein pursuant to powers conferred
by resolution of its Board of Trustees, party hereto of the first part, and John Alden
Reed and Emily C. Reed, his wife, as tenants by the entirety, of the City of Washington,
District of Columbia, parties of the second part.

Witnesseth, that for and in consideration of the sum of \$10.00
Ten and No/100 Dollars, receipt whereof is hereby acknowledged, the said party of the
first part does grant unto the said parties of the second part, in fee simple, the following

described land and premises, situate in the County of Montgomery, State of Maryland, and known and distinguished as

Lot numbered Five (5) in Block Numbered Forty-seven (47) in the subdivision known as "Section Two, Chevy Chase," as per plat recorded in Plat Book 3, Folio 273, formerly Liber JA-36, Folio 61, one of the Land Records of Montgomery County, Maryland;

Subject to the following covenants and restrictions:

1. That all houses upon the premises shall be built and used for residence purposes exclusively, except stables, carriage houses, sheds, which may be necessary for use in connection with such residence, and that no trade, business, manufacture, sales or nuisance of any kind shall be carried on or permitted upon such premises.

2. That no stable, carriage house or shed shall be erected within 25 feet from the front line of said premises and in the case of corner lots any line bordering upon any street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected fronting on Connecticut Avenue or on any lot of said Section in said Subdivision that shall cost less than \$5000.00 or upon lots fronting on the other streets in this Section at a cost of less than \$3000.00.

4. That all houses shall be designed for the occupancy of a single family and not part of any house or any structure appurtenant thereto shall be erected or maintained within 5 feet of the side lines of the lot on which it is to stand, nor within 10 feet of the nearest adjacent house, except that houses in pairs may be erected on the lot. The outer walls of such double houses to be not less than 5 feet from such side lines.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of the Chevy Chase Land Company of Montgomery County, Maryland, its successors and assigns. (Assigns including any person deriving title immediately or mediately from said Company to any lot or square, party of a lot or square in the Section of the subdivision of which the land hereby described forms a part.)

Together with all and singular the ways, easements, rights, privileges and appurtenances to the same belonging or in anywise appertaining, and all the estate, right, title, interest, and claim, either at law or in equity, or otherwise however, of the said party of the first part, of, in, to, or out of the said land and premises.

And the said party of the first part covenants that it will warrant specially the property hereby conveyed, and that it will execute such further assurances of said land as may be requisite or necessary.

In Testimony Whereof, the said Equitable Life Insurance Company hath on the 3rd day of March, A. D., 1936, caused these presents to be signed by Henry P. Blair its President, attested by Allen C. Clark, its Secretary, and its corporate seal to be hereunto affixed, and doth hereby appoint Maurice D. Rosenberg its true and lawful attorney in fact to acknowledge and deliver these presents as its act and deed.

Attest:

Allen C. Clark

Secretary

Signed, sealed and delivered

in the presence of--

C. Emory Phillips

Equitable Life Insurance Company.

By Henry P. Blair

President